

SERFF Tracking Number: ZURC-125809275 State: Arkansas  
 First Filing Company: American Zurich Insurance Company, ... State Tracking Number: EFT \$50  
 Company Tracking Number: CW-GL-27667  
 TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0001 Commercial General Liability  
 Product Name: CW-GL-27667 Distribution of Material In Violation of Statutes Exclusion for Use with the ISO Commercial General Liability  
 Coverage Part  
 Project Name/Number: CW-GL-27667 Distribution of Material In Violation of Statutes Exclusion for Use with the ISO Commercial General Liability  
 Coverage Part /CW-GL-27667

## Filing at a Glance

Companies: American Zurich Insurance Company, American Guarantee and Liability Insurance Company, Colonial American Casualty & Surety Company, Fidelity and Deposit Company of Maryland, Zurich American Insurance Company of Illinois, Zurich American Insurance Company, Empire Fire and Marine Insurance Company

Product Name: CW-GL-27667 Distribution of SERFF Tr Num: ZURC-125809275 State: Arkansas

Material In Violation of Statutes Exclusion for  
 Use with the ISO Commercial General Liability  
 Coverage Part

TOI: 17.0 Other Liability - Claims SERFF Status: Closed State Tr Num: EFT \$50

Made/Occurrence

Sub-TOI: 17.0001 Commercial General Liability Co Tr Num: CW-GL-27667 State Status: Fees verified and received

Filing Type: Form Co Status: Not Applicable Reviewer(s): Betty Montesi, Edith Roberts

Author: Cindy Schultz

Date Submitted: 09/09/2008

Disposition Date: 09/19/2008

Disposition Status: Approved

Effective Date Requested (New): 11/01/2008

Effective Date (New):

Effective Date Requested (Renewal): 11/01/2008

Effective Date (Renewal):

State Filing Description:

## General Information

Project Name: CW-GL-27667 Distribution of Material In Violation of  
 Statutes Exclusion for Use with the ISO Commercial General Liability  
 Coverage Part

Status of Filing in Domicile:

Project Number: CW-GL-27667

Domicile Status Comments:

Reference Organization:

Reference Number:

Reference Title:

Advisory Org. Circular:

Filing Status Changed: 09/19/2008

State Status Changed: 09/19/2008

Deemer Date:

Corresponding Filing Tracking Number:

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#### Filing Description:

This filing introduces our new mandatory form U-GL-1365-A CW, "Distribution of Material In Violation Of Statutes Exclusion Amendment". This new endorsement will be attached to all CG 00 01 and CG 00 02 policies issued in your jurisdiction.

This form clarifies the CGL form. It modifies exclusions by inserting specific references to the Fair and Accurate Credit Transaction Act (FACTA). This clarification does not change the original intent of the coverage forms whatsoever, and has no impact on premium.

Also included in this filing is a redlined document showing how this endorsement modifies the ISO language.

We respectfully request an effective date of November 1, 2008, for this endorsement.

## Company and Contact

#### Filing Contact Information

Cindy Schultz, Filing Analyst cindy.schultz@zurichna.com  
 1400 American Lane (847) 762-7311 [Phone]  
 Schaumburg, IL 60196 (847) 605-7768[FAX]

#### Filing Company Information

American Zurich Insurance Company	CoCode: 40142	State of Domicile: Illinois
1400 American Lane	Group Code: 212	Company Type:
Schaumburg, IL 60196	Group Name:	State ID Number:
(847) 605-6000 ext. [Phone]	FEIN Number: 36-3141762	

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American Guarantee and Liability Insurance Company	CoCode: 26247	State of Domicile: New York
1400 American Lane	Group Code: 212	Company Type:
Schaumburg, IL 60196	Group Name:	State ID Number:
(847) 605-6000 ext. [Phone]	FEIN Number: 36-6071400	

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Colonial American Casualty & Surety Company CoCode: 34347 State of Domicile: Maryland  
1400 American Lane Group Code: 212 Company Type:  
Schaumburg, IL 60196 Group Name: State ID Number:  
(847) 605-6000 ext. [Phone] FEIN Number: 52-1096670  
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Fidelity and Deposit Company of Maryland CoCode: 39306 State of Domicile: Maryland  
1400 American Lane Group Code: 212 Company Type:  
Schaumburg, IL 60196 Group Name: State ID Number:  
(847) 605-6000 ext. [Phone] FEIN Number: 13-3046577  
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Zurich American Insurance Company of Illinois CoCode: 27855 State of Domicile: Illinois  
1400 American Lane Group Code: 212 Company Type:  
Schaumburg, IL 60196 Group Name: State ID Number:  
(847) 605-6000 ext. [Phone] FEIN Number: 36-2781080  
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Zurich American Insurance Company CoCode: 16535 State of Domicile: New York  
1400 American Lane Group Code: 212 Company Type:  
Schaumburg, IL 60102 Group Name: State ID Number:  
(847) 605-6000 ext. [Phone] FEIN Number: 36-4233459  
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Empire Fire and Marine Insurance Company CoCode: 21326 State of Domicile: Nebraska  
13810 FNB Parkway Group Code: 212 Company Type:  
Omaha, NE 68154-5202 Group Name: State ID Number:  
(402) 963-5000 ext. [Phone] FEIN Number: 47-6022701  
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SERFF Tracking Number: ZURC-125809275 State: Arkansas

First Filing Company: American Zurich Insurance Company, ... State Tracking Number: EFT \$50

Company Tracking Number: CW-GL-27667

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Product Name: CW-GL-27667 Distribution of Material In Violation of Statutes Exclusion for Use with the ISO Commercial General Liability Coverage Part

Project Name/Number: CW-GL-27667 Distribution of Material In Violation of Statutes Exclusion for Use with the ISO Commercial General Liability Coverage Part /CW-GL-27667

## Filing Fees

Fee Required? Yes

Fee Amount: \$50.00

Retaliatory? No

Fee Explanation:

Per Company: No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
American Zurich Insurance Company	\$50.00	09/09/2008	22379483
American Guarantee and Liability Insurance Company	\$0.00	09/09/2008	
Colonial American Casualty & Surety Company	\$0.00	09/09/2008	
Fidelity and Deposit Company of Maryland	\$0.00	09/09/2008	
Zurich American Insurance Company of Illinois	\$0.00	09/09/2008	
Zurich American Insurance Company	\$0.00	09/09/2008	
Empire Fire and Marine Insurance Company	\$0.00	09/09/2008	

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## Correspondence Summary

## Dispositions

Status	Created By	Created On	Date Submitted
Approved	Edith Roberts	09/19/2008	09/19/2008

<i>SERFF Tracking Number:</i>	<i>ZURC-125809275</i>	<i>State:</i>	<i>Arkansas</i>
<i>First Filing Company:</i>	<i>American Zurich Insurance Company, ...</i>	<i>State Tracking Number:</i>	<i>EFT \$50</i>
<i>Company Tracking Number:</i>	<i>CW-GL-27667</i>		
<i>TOI:</i>	<i>17.0 Other Liability - Claims Made/Occurrence</i>	<i>Sub-TOI:</i>	<i>17.0001 Commercial General Liability</i>
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<i>Project Name/Number:</i>	<i>CW-GL-27667 Distribution of Material In Violation of Statutes Exclusion for Use with the ISO Commercial General Liability Coverage Part /CW-GL-27667</i>		

## Disposition

Disposition Date: 09/19/2008

Effective Date (New):

Effective Date (Renewal):

Status: Approved

Comment:

Rate data does NOT apply to filing.

### Overall Rate Information for Multiple Company Filings

<b>Overall Percentage Rate Indicated For This Filing</b>	0.000%
<b>Overall Percentage Rate Impact For This Filing</b>	0.000%
<b>Effect of Rate Filing-Written Premium Change For This Program</b>	\$0
<b>Effect of Rate Filing - Number of Policyholders Affected</b>	0

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Item Type	Item Name	Item Status	Public Access
Supporting Document	Uniform Transmittal Document-Property & Casualty	Approved	Yes
	REDLINE	Approved	Yes
Supporting Document Form	Distribution Of Material In Violation Of Statutes Exclusion Amendment	Approved	Yes

SERFF Tracking Number: ZURC-125809275 State: Arkansas

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## Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Approved	Distribution Of Material In Violation Of Statutes Exclusion Amendment	U-GL-1365-A CW	08 08	Endorsement/Amendment/Conditions	New		U-GL-1365-A CW 0808 - Exclusion - FACTA-Draft07-Final-Legal approved.pdf



# Distribution Of Material In Violation Of Statutes Exclusion Amendment



**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

This endorsement modifies insurance provided under the:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**A. Exclusion q. under Paragraph 2., Exclusions of Section I – Coverage A – Bodily Injury And Property Damage Liability** is replaced by the following:

## **2. Exclusions**

This insurance does not apply to:

### **q. Distribution Of Material In Violation Of Statutes**

"Bodily injury" or "property damage" arising directly or indirectly out of any action or omission that violates or is alleged to violate:

- (1)** The Telephone Consumer Protection Act (TCPA), including any amendment of or addition to such law; or
- (2)** The CAN-SPAM Act of 2003, including any amendment of or addition to such law; or
- (3)** The Fair Credit Reporting Act (FCRA), and any amendment of or addition to such law including the Fair and Accurate Credit Transaction Act (FACTA); or
- (4)** Any federal, state or local statute, ordinance or regulation, other than the TCPA, CAN-SPAM Act of 2003 or FCRA, that relates to, prohibits or limits the accessing, collection, recording, printing, dissemination, disposal, sending, transmitting, communicating or distribution of material or information.

**B. Exclusion p. under Paragraph 2., Exclusions of Section I – Coverage B – Personal And Advertising Injury Liability** is replaced by the following:

## **2. Exclusions**

This insurance does not apply to:

### **p. Distribution Of Material In Violation Of Statutes**

"Personal and advertising injury" arising directly or indirectly out of any action or omission that violates or is alleged to violate:

- (1)** The Telephone Consumer Protection Act (TCPA), including any amendment of or addition to such law; or
- (2)** The CAN-SPAM Act of 2003, including any amendment of or addition to such law; or
- (3)** The Fair Credit Reporting Act (FCRA), and any amendment of or addition to such law including the Fair and Accurate Credit Transaction Act (FACTA); or
- (4)** Any federal, state or local statute, ordinance or regulation, other than the TCPA, CAN-SPAM Act of 2003 or FCRA, that relates to, prohibits or limits the accessing, collection, recording, printing, dissemination, disposal, sending, transmitting, communicating or distribution of material or information.

All other terms and conditions of this policy remain unchanged.

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## Rate Information

Rate data does NOT apply to filing.

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## Supporting Document Schedules

**Satisfied -Name:** Uniform Transmittal Document-  
Property & Casualty **Review Status:** Approved 09/19/2008

**Comments:**

**Attachments:**

NAIC TRANSMITAL.pdf  
Form Filing Schedule.pdf

**Satisfied -Name:** REDLINE **Review Status:** Approved 09/19/2008

**Comments:**

**Attachment:**

Redline Comparison.pdf

**Property & Casualty Transmittal Document**

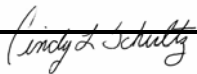
<b>1. Reserved for Insurance Dept. Use Only</b>	<b>2. Insurance Department Use only</b>	
	a. Date the filing is received:	
	b. Analyst:	
	c. Disposition:	
	d. Date of disposition of the filing:	
	e. Effective date of filing:	
	New Business	
	Renewal Business	
	f. State Filing #:	
g. SERFF Filing #:		
h. Subject Codes		

<b>3. Group Name</b>	<b>Group NAIC #</b>
Zurich North America	212

4. Company Name(s)	Domicile	NAIC #	FEIN #	State #
Zurich American Insurance Company	NY	16535	36-4233459	
American Guarantee and Liability Insurance Company	NY	26247	36-6071400	
American Zurich Insurance Company	IL	40142	36-3141762	
Colonial American Casualty and Surety Company	MD	34347	52-1096670	
Empire Fire and Marine Insurance Company	NE	21326	47-6022701	
Fidelity and Deposit Company of Maryland	MD	39306	13-3046577	
Zurich American Insurance Insurance Co of IL	IL	27855	36-2781080	

<b>5. Company Tracking Number</b>	<b>CW-GL-27667</b>
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**Contact Info of Filer(s) or Corporate Officer(s)** [include toll-free number]

6.	Name and address	Title	Telephone #s	FAX #	e-mail
	Cindy Schultz 1400 American Lane Schaumburg, IL 60196-1056	Filing Analyst	847-762-7311	847-605-7768	Cindy.schultz@zurichna.com
7.	Signature of authorized filer				
8.	Please print name of authorized filer		Cindy L Schultz		

**Filing information** (see General Instructions for descriptions of these fields)

<b>9. Type of Insurance (TOI)</b>	17.00 Other Liability-Occ/Claims Made
<b>10. Sub-Type of Insurance (Sub-TOI)</b>	17.0001 Commercial General Liability
<b>11. State Specific Product code(s) (if applicable)[See State Specific Requirements]</b>	
<b>12. Company Program Title</b> (Marketing title)	Commercial General Liability

20.	This filing transmittal is part of Company Tracking #	CW-GL-27667
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<b>21. Filing Description</b> [This area can be used in lieu of a cover letter or filing memorandum and is free form text]
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We respectfully request an effective date of November 1, 2008, for this endorsement.

22.	<b>Filing Fees</b>	(Filer must provide check # and fee amount if applicable)
	[If a state requires you to show how you calculated your filing fees, place that calculation below]	
Refer to each state's checklist for additional state specific requirements or instructions on calculating fees.		

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PC TD-1 pg 2 of 2  
F 777 (Ed. 3-07) Wolters Kluwer Financial Services | Uniform Forms™

**FORM FILING SCHEDULE**

(This form must be provided ONLY when making a filing that includes forms)  
 (Do not refer to the body of the filing for the forms listing, unless allowed by state.)

<b>1.</b>	<b>This filing transmittal is part of Company Tracking #</b>		<b>CW-GL-27667</b>		
<b>2.</b>	<b>This filing corresponds to rate/rule filing number</b> (Company tracking number of rate/rule filing, if applicable)				
<b>3.</b>	<b>Form Name /Description/Synopsis</b>	<b>Form # Include edition date</b>	<b>Replacement or Withdrawn?</b>	<b>If replacement, give form # it replaces</b>	<b>Previous state filing number, if required by state</b>
01	Distribution Of Material In Violation Of Statutes Exclusion Amendment	U-GL-1365-A CW (08/08)	<input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
02			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
03			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
04			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
05			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
06			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
07			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
08			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
09			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		
10			<input type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn		

Zurich Version:

Deleted: ISO

**q. Distribution Of Material In Violation Of Statutes**

"Bodily injury" or "property damage" arising directly or indirectly out of any action or omission that violates or is alleged to violate:

(1) The Telephone Consumer Protection Act (TCPA), including any amendment of or addition to such law; or

Deleted: .

(2) The CAN-SPAM Act of 2003, including any amendment of or addition to such law; or

Deleted: .

(3) The Fair Credit Reporting Act (FCRA), and any amendment of or addition to such law including the Fair and Accurate Credit Transaction Act (FACTA); or

Deleted: .

(4) Any federal, state or local statute, ordinance or regulation, other than the TCPA, CAN-SPAM Act of 2003 or FCRA, that relates to, prohibits or limits the accessing, collection, recording, printing, dissemination, disposal, sending, transmitting, communicating or distribution of material or information.

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**p. Distribution Of Material In Violation Of Statutes**

"Personal and advertising injury" arising directly or indirectly out of any action or omission that violates or is alleged to violate:

(1) The Telephone Consumer Protection Act (TCPA), including any amendment of or addition to such law; or

Deleted: .

(2) The CAN-SPAM Act of 2003, including any amendment of or addition to such law; or

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(3) The Fair Credit Reporting Act (FCRA), and any amendment of or addition to such law including the Fair and Accurate Credit Transaction Act (FACTA); or

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